

TENTATIVE RULINGS for CIVIL LAW and MOTION

September 7, 2012

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6722

TENTATIVE RULING

Case: **Jarvis v. KB Home, North Bay, Inc.**
Case No. CV CV 11-1520
Hearing Date: **September 7, 2012** **Department Fifteen** **8:30 a.m.**

Cross-defendant Contra Costa Floors, Inc.'s unopposed motion for determination of good faith settlement is **GRANTED**. (Code Civ. Proc., §§ 877, 877.6.)

The notice of motion does not provide the address for Department 15. Department 15 is located at 1100 Main Street, Suite 300, in Woodland.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Pemco Ltd. V. Middle Earth Investments, Inc.**
Case No. CV CV 11-1886
Hearing Date: **September 7, 2012** **Department Fifteen** **8:30 a.m.**

Defendant Middle Earth Investments, Inc.'s request for judicial notice is **GRANTED IN PART**, as to items 1 through 6. (Evid. Code, § 452, subds. (c) & (d); *Friends of Shingle Springs Interchange, Inc. v. County of El Dorado* (2011) 200 Cal.App.4th 1470, 1480.) The request for judicial notice of items 7 and 8 is **DENIED**. Defendant cites no legal authority to support the taking of judicial notice of these items.

Defendant's unopposed motion to vacate the void default and default judgment, and quash service of summons is **GRANTED**. (Code Civ. Proc., §§ 416.10, 418.10, subd. (a)(1), 473.5.) While the Court has received a reply from moving party, which refers to an opposition, an opposition from plaintiff has not been filed with the Court.

Having granted defendant's motion to vacate the default and default judgment and quash service of summons, defendant's motion for new trial is **DROPPED** from calendar.

The notice of motion does not provide notice of the Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.